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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH**

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**CHRISTOPHER SIMMLER,**  
**Plaintiff,**

**vs.**

**HARRIS H. SIMMONS, et al.,**  
**Defendants,**

**MEMORANDUM DECISION  
AND ORDER**

**Case No. 2:18-CV-981-DAK**

**Judge Dale A. Kimball**

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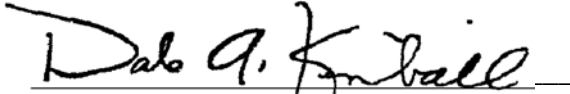
This matter is before the court on Plaintiff's Motion to Stay Tolling Time to File Notice of Appeal. Under Rule 4(a)(5) this court may extend the time to file a notice of appeal if a party moves for the extension no later than thirty days after the time prescribed. Fed. R. App. P. 4(a)(5)(A)(i). Under Rules 4(a)(1)(A) and 4(a)(4), Plaintiff's notice of appeal was due within thirty days of this court's December 21, 2020 Memorandum Decision denying his Motion for Reconsideration of the Court's Memorandum Decision and Order Adopting Report & Recommendation. Plaintiff's January 13, 2020 Motion to Stay the Tolling Time to File Notice of Appeal was timely brought as a motion for an extension of time to file a notice of appeal.

However, Plaintiff's motion fails to ask for a specific extension of time. Rather, he asks the court to toll the time for filing a notice of appeal indefinitely until the court issues a decision in a separate case. While Plaintiff contends that the two cases are related, they are two separate cases. If Plaintiff wishes to pursue an appeal of the present case, he should do so in a timely manner. Plaintiff presents no argument that he is unable to pursue the appeal, only a desire to

wait for the other case. Each case, however, will be decided on its own merits. The court is not opposed to giving Plaintiff additional time to file his notice of appeal, but an indefinite extension is unreasonable. Therefore, the court grants Plaintiff thirty days from the date of this Order to file his notice of appeal.

DATED this 21st day of January, 2020.

BY THE COURT:

  
DALE A. KIMBALL,  
United States District Judge